

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00
DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01
PRS-01 SP-02 SS-15 IO-13 ACDA-07 SAJ-01 /073 W
-----081350Z 113967 /53

O R 081334Z JAN 77 ZFF 4
FM AMEMBASSY BONN
TO SECSTATE WASHDC NIACT IMMEDIATE 4541
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 00397

E.O. 11652: GDS
TAGS: PFOR, PGOV, WB, US, UK, FR, GW, UR, GE
SUBJECT: ALLIED PROTEST ON RECENT GDR ACTIONS

REF: (A) STATE 4402; (B) BONN 327

1. BEGIN SUMMARY. AGREEMENT HAS BEEN REACHED IN THE
BONN GROUP THAT THE ALLIED PROTEST SHOULD BE DELIVERED
IN MOSCOW AT THE DCM LEVEL. THERE IS ALSO AGREEMENT
ON PRESS HANDLING - I.E., THAT THERE SHOULD BE NO
COMMENT ON WHETHER OR NOT THERE WILL BE A PROTEST UNTIL
IT HAS ACTUALLY BEEN DELIVERED. THEREAFTER IT CAN BE
CONFIRMED THAT A PROTEST HAS BEEN DELIVERED IN MOSCOW,
BUT THERE SHOULD BE NO DISCUSSION OF CONTENT.

BECAUSE OF NEW BRITISH INSTRUCTIONS, THE TEXT
UNFORTUNATELY IS NOT YET AGREED. ACTION REQUESTED:
DEPARTMENT INSTRUCTIONS, TO BONN AND MOSCOW, ON
POSSIBLE CHANGES IN THE TEXT ALONG LINES DISCUSSED
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BELOW. END SUMMARY.

PLACE OF DELIVERY.

2. AT THE JANUARY 8 BONN GROUP MEETING, THE UK REP
(HITCH) REPORTED INSTRUCTIONS FAVORING DELIVERY IN
BERLIN. THE FRENCH REP (BOISSIEU) REPORTED AGREEMENT

ON THE U.S. PROPOSAL FOR DELIVERY AT THE AMBASSADORIAL LEVEL IN MOSCOW. ARNIM (FRG) STATED THAT THE FRG THOUGHT THE QUESTION WAS ESSENTIALLY ONE FOR DECISION BY THE THREE. THE FRG DID NOT WISH TO INTERFERE, BUT THOUGHT THERE WERE MANY REASONS FAVORING THE U.S. POSITION. AFTER ALL REPS HAD DISCLOSED THEIR FALLBACK INSTRUCTIONS, AGREEMENT WAS REACHED THAT THE PROTEST SHOULD BE DELIVERED BY THE DCMS OF THE THREE EMBASSIES IN MOSCOW.

PRESS HANDLING.

3. ALL FOUR WERE AGREED ON THE BONN GROUP RECOMMENDATION FOR PRESS HANDLING. THERE SHOULD BE NO CONFIRMATION OF THE FACT THAT THERE IS TO BE A PROTEST UNTIL AFTER IT HAS BEEN DELIVERED. THEREAFTER, IN RESPONSE TO QUESTIONS, THE FACT AND PLACE OF DELIVERY MAY BE CONFIRMED, BUT CONTENTS SHOULD NOT BE DISCLOSED.

TEXT OF PROTEST.

4. THE U.S., FRG, AND FRENCH REPS REPORTED APPROVAL FROM CAPITALS OF THE TEXT IN REFTEL B. FOR THE FRG, APPROVAL HAD COME FROM FOREIGN MINISTER GENSCHER, WHO HAD AGAIN URGED THAT, WHATEVER THE ALLIES DO, THEY DO IT QUICKLY.

5. HITCH REPORTED APPROVAL OF THE TEXT WITH ONE EXCEPTION. LONDON WISHED TO DELETE IN ITS ENTIRETY CONFIDENTIAL

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THE LAST PORTION OF THE SECOND SENTENCE OF PARA C (REF B, 7C), STATING THAT THE QA "CAN FUNCTION ONLY IF ITS FUNDAMENTAL PRINCIPLES ARE RESPECTED IN ALL PARTS OF THE CITY." IN THE VIEW OF THE FCO, THIS STATEMENT SUGGESTED THAT EAST GERMAN ACTIONS IN VIOLATION OF THE QA WERE MAKING THE QA UNWORKABLE. THIS WAS BAD TO THE EXTENT THAT IT COULD BE TAKEN TO IMPLY A READINESS TO HOLD CONSULTATIONS UNDER THE FINAL QUADRIPARTITE PROTOCOL. HITCH ADDED THAT HIS INSTRUCTIONS CONTAINED NO FALLBACK ON THAT PARTICULAR ELEMENT.

6. THE U.S. REP STATED THAT HE COULD NOT ACCEPT THE UK CHANGE EVEN ON AN AD REF BASIS, AND HE DOUBTED VERY MUCH THAT IT WOULD BE ACCEPTABLE TO THE DEPARTMENT. HE RECALLED THE PROGRESSIVE WATERING DOWN OF THE TEXT WHICH HAD OCCURRED SINCE THE ORIGINAL U.S. DRAFT WAS TABLED. TWO ELEMENTS WHICH THE U.S. REP HAD INCLUDED

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O R 081334Z JAN 77 ZFF 4
FM AMEMBASSY BONN
TO SECSTATE WASHDC NIACT IMMEDIATE 4542
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 02 OF 03 BONN 00397

IN THE FIRST DRAFT ON INSTRUCTIONS HAD BEEN
DROPPED AT THE INITIAL BONN GROUP MEETING BECAUSE OF
STRONG OPPOSITION FROM THE OTHER BONN GROUP REPS - THE
STATEMENT THAT GDR ACTIONS WERE THREATENING THE BASIS
OF THE QA, AND THE SUGGESTION THAT THE ALLIES MIGHT
HAVE TO RECONSIDER THEIR OWN POSITIONS. IN ADDITION,
BECAUSE IT WAS UNACCEPTABLE TO LONDON AND PARIS, THE
U.S. HAD DROPPED ITS INSISTENCE ON THE FINAL CLAUSE,
WHICH THE UK AND FRENCH REPS HAD AT LEAST REPORTED
TO CAPITALS WITH RESERVATIONS, CONTAINING AN INDIRECT
HINT THAT THERE MIGHT BE COUNTERMEASURES.

7. U.S. REP CONCLUDED THAT IF WE WERE NOW TO DROP
THE SUGGESTION THAT THE GDR ACTIONS MIGHT IMPAIR THE
FUNCTIONING OF THE QA, THE ENTIRE PROTEST WOULD CONSIST
OF NOTHING BUT TIMEWORN PLATITUDES ON THE STATUS OF
BERLIN. BOISSIEU AND ARNIM AGREED ON THE DESIRABILITY
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OF RETAINING THE SENTENCE AS DRAFTED. BOISSIEU READ FROM INSTRUCTIONS STATING THAT THE AD REF TEXT WAS ACCEPTABLE BUT THAT IF THE DRAFTING WAS TO BE REOPENED PARIS WOULD HAVE SEVERAL AMENDMENTS TO PROPOSE; IN THE INTEREST OF SPEED, THE FRENCH HAD SO FAR REFRAINED FROM DOING SO AND RECALLED THAT THEY WERE THE ONLY ONES TO HAVE APPROVED THE ORIGINAL BONN GROUP TEXT WITHOUT AMENDMENT.

8. AS FOR THE MERITS OF THE BRITISH ARGUMENT, ARNIM NOTED THAT THE FRG EMBASSY IN MOSCOW HAD SUGGESTED THAT A STRONG ALLIED PROTEST MIGHT IN FACT FORESTALL A REQUEST FOR CONSULTATIONS, IF THE SOVIETS HAD HAD SUCH A REQUEST UNDER CONSIDERATION (FOR EXAMPLE, BECAUSE OF EC PROBLEMS). U.S. REP AGREED THAT WAS A PLAUSIBLE ARGUMENT, NOTING THAT OUR FEAR HERETOFORE HAD BEEN THAT THE SOVIETS MIGHT WANT TO CONSULT ONLY ON IMPLEMENTATION OF THE PORTIONS OF THE QA DEALING WITH WEST BERLIN. A STRONG PROTEST CONCERNING WHAT WAS GOING ON IN EAST BERLIN SHOULD MAKE IT CLEAR THAT ANY CONSULTATIONS WOULD HAVE TO CONCERN THE WHOLE OF THE CITY, AS IN THE ORIGINAL QA NEGOTIATIONS. HITCH SAID HE UNDERSTOOD THE ARGUMENT BUT DID NOT FIND IT CONVINCING.

9. AFTER FURTHER DISCUSSION IT WAS AGREED THAT ALL REPS WOULD REPORT AS FOLLOWS:

A. THE U.S., FRENCH, AND FRG REPS PREFER
TO RETAIN THE TEXT AS REPORTED IN REF B.

B. AS A FIRST ALTERNATIVE THEY WOULD
RECOMMEND THAT THE WORDS "FUNDAMENTAL
PRINCIPLES" BE DELETED FROM THAT
SENTENCE (THIS WAS ANOTHER ASPECT OF
THE SENTENCE TO WHICH THE FCO RAISED
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OBJECTIONS). THE SENTENCE WOULD THUS
READ AS FOLLOWS:

"THIS AGREEMENT, WHICH APPLIES
TO THE WHOLE OF BERLIN, CAN
FUNCTION ONLY IF IT IS RESPECTED
IN ALL PARTS OF THE CITY."

C. AS ANOTHER ALTERNATIVE THE PRESENT
LAST SENTENCE SHOULD BE DELETED AND

REPLACED BY THE FOLLOWING TWO SENTENCES:

"THE THREE POWERS FOR THEIR PART
ATTACH THE HIGHEST IMPORTANCE TO
THE SATISFACTORY FUNCTIONING OF
THIS AGREEMENT, WHICH APPLIES TO
THE WHOLE OF BERLIN. THIS IS
POSSIBLE ONLY IF THE AGREEMENT IS
RESPECTED IN ALL PARTS OF THE
CITY."

MODALITIES FOR COORDINATION

10. HITCH WILL BE UNABLE TO GET FURTHER INSTRUCTIONS
BEFORE MID-DAY MONDAY, JANUARY 10. TO HAVE ANOTHER
BONN GROUP MEETING AT THAT POINT WOULD RULE OUT THE
POSSIBILITY OF DELIVERY OF THE PROTEST ON MONDAY, IN
PARTICULAR BECAUSE THE FRENCH EMBASSY BONN CANNOT
COMMUNICATE Laterally WITH MOSCOW. THE THREE ALLIED
REPS THEREFORE AGREED TO RECOMMEND THAT CAPITALS

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FM AMEMBASSY BONN
TO SECSTATE WASHDC NIAC IMMEDIATE 4543
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
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AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

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SEND INSTRUCTIONS BOTH TO BONN AND MOSCOW, AUTHORIZING THE EMBASSIES IN MOSCOW TO PROCEED AS SOON AS ALL THREE HAVE INSTRUCTIONS.

11. BOISSIEU IS REPORTING THAT ALL THREE FORMULATIONS IN PARA 9 ABOVE ARE IN HIS OPINION ACCEPTABLE AND IS RECOMMENDING THAT PARIS AUTHORIZE THE FRENCH EMBASSY MOSCOW TO PROCEED USING WHICHEVER OF THE THREE LONDON ACCEPTS. WE ALSO BELIEVE THAT ANY OF THE THREE WILL CONVEY THE NECESSARY MESSAGE, AND WE THUS RECOMMEND THAT THE DEPARTMENT AUTHORIZE EMBASSY MOSCOW TO PROCEED, IF THEIR BRITISH COLLEAGUES RECEIVE INSTRUCTIONS ACCEPTING ONE OF THE THREE.

12. BONN GROUP REPS WILL STAY IN TOUCH DURING THE COURSE OF THE DAY ON MONDAY AS INSTRUCTIONS ARE RECEIVED, AND WE WILL ALSO INFORM EMBASSY MOSCOW OF THE RESULTS IN AN CONFIDENTIAL

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EFFORT TO MINIMIZE CONFUSION.

13. ACTION REQUESTED: THAT THE DEPARTMENT AUTHORIZE EMBASSY MOSCOW TO PROCEED WITH THE PROTEST, USING FORMULATION A, B OR C IN PARA 9 ABOVE, PROVIDED THE FRENCH AND BRITISH EMBASSIES RECEIVE THE NECESSARY APPROVAL FROM CAPITALS. WE ALSO RECOMMEND THAT MOSCOW BE AUTHORIZED, IN FOLLOW-ON DISCUSSION OF THE PROTEST, TO DRAW FROM REF B IN MENTIONING IN PARTICULAR, AS AN EXAMPLE OF THE RECENT GDR MEASURES TO WHICH WE ARE OBJECTING, THE APPARENT SUSPENSION OF PUBLICATION OF THE "VERORDNUNGSBLATT FUER GROSS-BERLIN" - THIS IN ADDITION TO SUCH MEASURES AS THOSE GIVEN ATTENTION IN THE PRESS (THE NEW VISA REQUIREMENT FOR FOREIGNERS MAKING DAY VISITS TO EAST BERLIN AND THE REMOVAL OF THE CHECK POINTS ON THE BORDER BETWEEN EAST BERLIN AND THE GDR).
STOESSEL

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